	revid J. Pineky et al.	Attorney's 51917
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tle of Invention or	Patent: METHODS FOR TREATING	G AN ISCHEMIC DISORDER
cie di interiore	AND IMPROVING STROK	E OUTCOME
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VE	RIFIED STATEMENT (DECLARATIO	ON) CLAIMING
SM/	ALL ENTITY STATUS UNDER 37 C.	F.R. \$1.9(f)
	AND \$1.27(d) - NONPROFIT ORG	ANIZATION
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hereby declare that	I am an official empowered to	o act on behalf of the nonprofit
ganization identifie	d below:	
	and the second columbia in	iversity in the City of New York
mme of Organization:	The Trustees of Columbia on	iversity in the City of New York
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	DER INTERNAL REVENUE SERVIC	CE CODE 26 U.S.C. \$\$501(a) and
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37 C.F.R. §§1.9(d), 1.9(e)

- (d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:
- §121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.
- (a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.
- (b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.
- (e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. \$1.28(b)\*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. \$1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:	Mr. Jack M. Grano	ritz		
Name of Person Signing.	Executive Directo	r, Columbia	Innovation	Enterprise
Title In Organization:	ia University, Eng	incerior Te	rrace -Suite	363.
Address: Columb	dam and 120th Stre	et. New Yor	k. New York	10027
Signature:	Jek M. Framon	t		
Date Of Signature:	Sept 25, 1996	<del></del>		

37 C.F.R. \$1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to \$1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to \$1.34(a) of this part.

## DECLARATION AND POWER OF ATTORNEY

As a below-named inventor. I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS FOR TREATING AN ISCHEMIC DISORDER AND IMPROVING STROKE OUTCOME

the specification of who (check one)	ich:		Brown Control	
	is attached he	ereio.		
	X was filed on_	April 1, 1998		as
	Application Serial No	. 09/053,871		
	and was amended	_/	(if app	icable)
				·
I hereby state that I he including the claims, a	ave reviewed and under is amended by any amer	rstand the contents of the diment referred to above	the above-identi ve.	fied specification.
I acknowledge the duty to be material to paten	to disclose to the U.S.F tability as defined in Ti	Paieni and Frademark ( ile 37. Gode of Federal	Office all inform ! Regulations. Se	ation known to me ection 1.56.
365(b) of any foreign International Applications I have also ide	priority benefits under Ti- application(s) for pate- tion which designated a entified below any foreig on having a filing date	nt of inventor's certific at fleast one country ot an application for pates	tate or Section I her than the Un nt or inventor's d	865(a) of any PCT nited States, listed pertificate, or PCT
Prior Foreign Applica	tion(s)		Priority	Claimed
<u>Number</u>	Country /	Filing Date	<u>Yes</u>	<u>No</u>
N/A			<del></del>	
			<del></del>	<del></del>
·				<u> </u>

David J. Pinsky et al. U.S. Serial No.: 09/053,871 Filed: April 1, 1998 Declaration and Power of Attorney

Page 2

I hereby claim the benefit under Title 35. United States Code. Section 119(e) of any United States provisional application(s) listed below:

Provisional Application No.	Filing Date	<u>Status</u>
N/A		

I hereby claim the benefit under Title 35. United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35. United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filling date(s) of such prior Application(s) and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	<u>Status</u>
08/721,447	<u>September 27, 1996</u>	Pending
PCT/US97/17229	September 25, 1997	Pending
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And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Albert Wai-Kit Chan (Reg. No. 36,479); Robert T. Maldonado (Reg. 38,232); Mary Anne P. Tanner (Reg. No. 40,197); Paul Teng (40,837); Gerard M. Wissing (Reg. No. 36,309); George M. MacDonald (Reg. No. 39,284); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No P-42,226); Victor Devito (Reg. No. 36,325); Pedro C. Fernandez (Reg. No. P-41,741); William D. DeVaul (Reg. No. P-42,483); Todd A. Holmbo (Reg. No. P-42,665); and Steven J. Lieb (Reg. No. P-41,943)

and each of them, all c/o Cooper & Dunham LP. 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Filed: April 1, 1998

Declaration and Power of Attorney

Page 3

Please address all communications, and direct all telephone calls, regarding this application to:

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Tel. (212) 278-0400			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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